

REMARKS

With entry of this amendment, claims 101-138 are pending in this application, all of which have been newly added. Previously pending claims 63 and 69-74 have been cancelled. Based on the foregoing amendments and following remarks, reconsideration and allowance of this application is respectfully requested.

Claim Rejections-35 U.S.C. §103

To the extent that the Examiner rejects claims 101-138 as being obvious over U.S. Patent No. 6,694,034 (“Julstrom”), by itself, or in view of U.S. Patent No. 5,751,820 (“Taenzer”) or U.S. Patent No. 5,721,783 (“Anderson”), Applicant respectfully traverses this rejection, since Julstrom, Taenzer, and Anderson, do not, alone or in combination, teach the combination of elements required by these claims. Prior to commenting further, Applicant does not acquiesce that Julstrom represents §102(e) prior art to the claimed invention, and reserves the right to antecedent this reference should it become necessary.

Claims 101-128

Independent claim 101 requires a hearing aid device that includes a switching mechanism having a first state that couples a microphone to a speaker through a sound processor, and a second state that couples the microphone to a remotely located communications device. Independent claim 112 requires a hearing aid device that includes a switching mechanism that alters the hearing aid between a hearing aid state, during which a microphone operates as an input device to a speaker through a sound processor to address a specific hearing impairment, and a bi-directional communication state during which the microphone operates as an input device for a remotely located

communications device, and the speaker operates as an output device for the remotely located communications device.

As the Examiner correctly concluded with regard to now cancelled claim 63, the hearing aid device of Julstrom is not disclosed as having a switch that couples the microphone of the device to a remote communications device. Although Applicant does not necessarily disagree with the Examiner's official notice that it is known in the hearing aid art to use an earpiece microphone and speaker for signal conversion when communicating in a wireless mode with an external device, there is no suggestion in the prior art to modify the hearing aid apparatus of Julstrom, so that the microphone is coupled to a remote communications device or otherwise acts as an input to the remote communications device.

In particular, Julstrom addresses a problem that occurs when a hearing impaired person must rely on a hearing aid alone. For example, the hearing impaired person may have difficulty carrying on normal conversations in noisy environments, or may have difficulty listening to audio sources located at a distance from the individual. (See col. 1, lines 28-39). Julstrom solves this problem by using a hearing aid system that includes the hearing aid as a primary audio source and an additional secondary audio source that can be activated if it provides a better signal than the primary audio source. A telephone is only one of the devices listed by Julstrom that can be used as the secondary audio source, which may also include head-worn or hand-held directional microphones, audio entertainment systems, microphones worn by third parties, etc. (See col. 1, line 46 to col. 2, line 12). Throughout the specification, Julstrom emphasizes that the microphone is used as a primary audio source, and nothing else.

Thus, Julstrom is not concerned with the use of a hearing aid in a fully enabled personal communications system, but rather is mainly focused on any device that can be used as a secondary

audio source to provide the user with an option in case the hearing aid is insufficient. The mere fact that prior art hearing aid/personal communications systems exist does not provide any suggestion to modify the Julstrom hearing aid system to include a switch that couples the hearing aid microphone to a telephone. Such a suggestion can only come from the specification of the present invention, which cannot be properly relied on in rejecting the claims. In fact, Julstrom actually teaches away from the use of a hearing aid microphone as an input to a telephone, since it requires the telephone to be brought into proximity to the ear of the hearing aid user, in which case, the microphone of the telephone will be used as a sound input—not the microphone of the hearing aid. (See col. 4, line 66 to col. 5, line 7). Julstrom additionally suggests that while the secondary audio source is used, in this case the telephone, the primary audio source (i.e., the microphone) can be advantageously attenuated to provide the user with room sense or orientation. (See col. 4, lines 4-11). Thus, in this case, the microphone could not be used as an input to the telephone.

Thus, Applicant submits that independent claims 101 and 112, as well as the claims depending therefrom (claims 102-111 and 113-128) are not obvious over the cited prior art references.

Claims 129-138

Independent claim 129 requires a hearing aid device that includes a switching mechanism having a first state that couples the microphone to the speaker through the sound processor to address a specific hearing impairment, and a second state that couples the microphone to a remotely located communications device through the sound processor to address an identified deficiency in sound quality associated with the remotely located communications device. In contrast, none of the cited prior art references, including Julstrom, discloses a sound processor that can be selectively used

to address either a specific hearing impairment or an identified deficiency in sound quality associated with a remotely located communications device.

Thus, Applicant submits that independent claim 129, as well as the claims depending therefrom (claims 130-138) are not obvious over the cited prior art references.

Conclusion

Based on the foregoing, it is believed that, with entry of this amendment, all claims are now allowable and a Notice of Allowance is respectfully requested. If the Examiner has any questions or comments regarding this amendment, the Examiner is respectfully requested to contact the undersigned at (714) 830-0600.

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